



## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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KANSAS CITY, KANSAS 66101

**DEC 21 2009**

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Mr. Reichert:

The Environmental Protection Agency has reviewed the Nebraska National Forest Travel Management Plan Draft Environmental Impact Statement (DEIS) for the United States Department of Agriculture. This DEIS documents the analysis and coordination undertaken for the consideration of alternatives for off-road vehicle management in the Nebraska National Forest. Our review is provided pursuant to the National Environmental Policy Act (NEPA) 42 U.S.C. 4231, Council on Environmental Quality (CEQ) regulations 40 C.F.R. Parts 1500-1508, and Section 309 of the Clean Air Act (CAA). The DEIS was assigned the Council on Environmental Quality (CEQ) number 20090324.

This DEIS analyzes alternatives under consideration by the Forest Service to comply with the Travel Management Rule (TMR) (2005). This TMR requires designation of roads, trails, and areas that are open to motorized vehicle use. It also restricts use of motorized vehicles off of the designated routes and areas. This designation and restriction is being done to balance the needs of multiple users of national forest land, and to minimize the environmental impact of off highway vehicle (OHV) use.

Based on the overall review and the level of our comments, the EPA has rated this document Environmental Concerns - Insufficient Information (EC-2). Our detailed comments, attached, outline our concerns. Included with these comments is a definition of our rating scheme, which provides a fuller explanation of the rating itself.

If you have any questions, you may contact Stephen Smith at 913-551-7656, or [smith.stephenk@epa.gov](mailto:smith.stephenk@epa.gov).

A handwritten signature in black ink, appearing to read "Ronald Hammerschmidt".

Ronald Hammerschmidt, PhD.  
Director  
Environmental Services Division

## Nebraska National Forest Travel Management Draft EIS comments

### Presentation of Data:

Many of EPA's comments below could be adequately addressed with a graphic presentation of data. The maps included in the DEIS, which contain trail routes as well as forest boundaries and other information, are a useful start. Additional layers of information (ranges of species of concern, Heritage Routes, routes proximal to paleontological resources, the different use areas that are being protected from impacts by the proposed restriction of OHVs, etc) would clearly illustrate the geographic scope of possible impacts associated with each alternative.

### Summary Chart, p. 4-5.

Many impacts (soils, wildlife and plant species of concern, Heritage, Paleontological), are measured by the length of routes that are proximate to the issue of concern, and thus, the Table implies that those impacts will actually go up with the three non-status quo alternatives. For example, the impacts to the Greater Sage Grouse under the status quo are measured at 15 miles, but the three alternatives have an impact of 28, 68, and 18 miles (implying that alternatives 2, 3, and 4 would be worse for the Greater Sage Grouse than the status quo). It is not clear why the impact of off-road use acreage is not used, or incorporated into, a measure of impact (where the status quo, with 800,000 acres of off-road use, would presumably have a much greater impact than the three alternatives with 1,800-7,500 acres of off-road use).

Note that an important conclusion of the summary chart ("Effects on other resources, including sound levels, soil and water quality, wildlife, plantation and rangeland management, spread of noxious weeds, and potential impacts to heritage and paleontological resources would decrease overall with Alternatives 2-4 compared to the current condition." p. 5) is actually incorrect under the metrics offered in the chart itself: without off-road impacts included, the 'miles of road' impact on the chart goes up for almost every environmental impact listed. The three exceptions are noxious weeds, the Greater Prairie Chicken, and the Blowout Penstemon.

Furthermore, it is not clear whether 'miles of trail proximate to the issue of concern' is an appropriate metric for the measurement of environmental impact. It may be that if the preferred alternative has impact measurable in 'miles of trail,' the preferred alternative could be altered to avoid that impact completely. Again, as one example: according to the summary chart, there are 1.1 miles trail impact to the blowout penstemon, a species of concern. The preferred alternative has a total of 427 trail miles, and it is not clear why that 1.1 miles impacting the blowout penstemon couldn't simply be rerouted (or removed) to avoid the impact altogether. This is true of several impacts which appear minimal (8 miles for the Swift Fox, 9 miles for the Bighorn Sheep), though larger impacts (250 miles to the American Burying Beetle) may be unavoidable.

*EPA recommends* that the metric of impact should either include the impact of off-road use (i.e. total acreage), or explain why such impact is not tabulated in the summary.

#### **Travel Management Rule. p. 11.**

“The Travel Management Rule (TMR) requires designation of roads, trails, and areas that are open to motorized vehicle use. It also restricts use of motorized vehicles off of the designated routes and areas.” This summary of the travel management plan implies that the TMR is merely a requirement for proper designation and description of motorized vehicle use areas (thus, for example, by maintaining the status quo, but creating maps and signage, one could comply with the TMR as described above). It does not clearly articulate the additional requirements to protect forestland from environmental damage, nor to balance multiple uses of forestland for diverse users of the forestland.

*EPA recommends* that this section clearly articulate the additional requirements of the TMR (as listed in Appendix A, in section 212.55 of the Federal Register)-specifically, the requirement of minimizing:

- (1) Damage to soil, watershed, vegetation, and other forest resources;
- (2) Harassment of wildlife and significant disruption of wildlife habitats;
- (3) Conflicts between motor vehicle use and existing or proposed recreational uses of National Forest System lands or neighboring Federal lands; and
- (4) Conflicts among different classes of motor vehicle uses of National Forest System lands or neighboring Federal lands. In addition, the responsible official shall consider:
- (5) Compatibility of motor vehicle use with existing conditions in populated areas, taking into account sound, emissions, and other factors.”

Many of these issues are mentioned and analyzed in the document. However, as presented, it is not clear that these issues are being analyzed in accordance with the TMR.

#### **Chapter 2. Description of Alternatives**

The chapter does not describe how alternatives were created, and why particular mileages and acres of off-road use were arrived at. As an extreme example, it is not clear why the preferred alternative has 1,800 acres of off-road use rather than 18,000 or even 180,000 acres. Chapter 1 describes issues driving the analysis, and states ‘More Dispersed Motorized Access Needed’ as the first issue being considered (p. 18). It is not clear how this issue is being followed or considered when the preferred alternative reduces the total off road acreage by 99.7% (800,000 acres down to 1,800 acres).

*EPA recommends* that the Final EIS (FEIS) better describe how the total area in the preferred alternative was selected (presumably, due to the balancing of interests as required by the TMR), and how the particular location of the off-road vehicle use area was arrived at. EPA's first comment, related to presenting more information graphically, would be extremely useful in identifying how and why alternatives were defined.

#### **Alternatives Considered but Eliminated from Detailed Study. (p. 35)**

This section states that a suggested alternative (larger areas for off-road use) was not considered.

"This alternative was not studied in detail because the extent of off-road use recommended in the comments is not consistent with the intent of the TMR as discussed under Alternative 1 at the beginning of this chapter." (p. 35).

As stated earlier, the section discussing the TMR does not adequately discuss the tradeoffs and environmental protection requirements of the TMR, but rather suggests that the TMR simply requires 'designation' of various categories of use on national forest lands. The 'designation' of a 10,000 acre off road area would fulfill this requirement as well as the 'designation' of 1,800 acre off road area.

"Also, relatively small play areas (areas devoid of vegetation because of OHV use) increase in size quickly if the boundaries of the play area are not controlled." (p. 35) As described below (**Soil Impacts**), this is not adequately established. The soil impacts section suggests that most impacts remain in relatively small areas; and most of national forest land is undisturbed in spite of being open for off road use.

*EPA suggests* that recommendations elsewhere in this comment letter would serve to better justify the conclusion in this section of the document. A better explanation of what the TMR obligates the Forest Service to do, would better explain how a larger off-road vehicle use area fails to fulfill those requirements.

#### **Soils Impact p 91-91.**

Specific to off-road vehicle use, the soils impact analysis does not justify its conclusions.

Under the current conditions, 800,000 + acres are open for off road use. However, much of that 800,000 acres is not being impacted. (p. 91 "The majority of the NNF has been open to off-road motorized use and soil damage from off-road motor vehicle use is minimal over most of the Forests and Grasslands... The Railroad Buttes area of the Fall River District contains many thousands of acres open for OHV use, much of it relatively undisturbed.") Instead, it appears that off-road vehicle users tend to congregate in relatively small areas, ("However recent history shows that as an area becomes popular with OHV enthusiasts, soil damage increases in the popular area and expands in extent over time regardless of the amount of land open for OHV use. On the other hand, the number of trails

expands every year.”). On pages 91-92, “Also, on the Bessey Unit, the original design of one designated motorized trail of about 8.5 miles (the Dismal River Trail) has expanded to a network of nearly 30 miles of user-created trails and two play areas in the vicinity of the Dismal River Trail. Much of the rest of the Bessey Unit remains relatively undisturbed. Motorized trails and play areas in the sands of the Bessey Unit have typically lost all vegetation, organic matter, or other features of a developed soil. The trails and play areas have become difficult to re-vegetate.”

Similar to the summary table (p. 4-5), Table 4-12 presents the impacts to soils as measured in terms of miles of open road/trail, and implies that the status quo (Alternative 1) is less damaging than the preferred alternative (measured in miles in high/moderate Soil Hazard Class).

*EPA suggests* that the discussion of soil impacts include details as to how many acres are currently impacted by off-road use, and discuss the qualitative difference (perhaps in terms of impacts to surface water, highly erodible soil, particular vegetation, vicinity to high risk endangered species, wildlife, and agate beds, and so on...) between the damaged land under the status quo vs. the expected damage to the 1,818 acres to be allowed for off-road use in the preferred alternative. A clearer emphasis on the long-term impacts of off-road vehicle use in areas under the status quo (currently 800,000 acres) would better outline the widespread impact of that off-road use, and how the preferred alternative dramatically reduces the soil impacts of OHV use.

### **Water Quality Impacts (p. 95)**

“In Alternative 1 the entire area is open to motorized use except those parts restricted by Forest Order No. 96-1. Motorized use in the area has created many draw crossings and other riparian area damage along Lindsey Draw (the primary stream that drains the Railroad Buttes area) and its tributaries. There is currently a high risk for water quality impacts to Lindsey Draw and other tributaries to Rapid Creek. Although the area contains a high proportion of naturally eroding badlands, motorized use has increased the extent of barren ground, and increased erosion rates and potential stream sedimentation in Lindsey Draw and Rapid Creek.” This entire paragraph, which describes the water quality impacts of Alternative 1, should be in the Alternative 1 section rather than the Alternative 2 section.

It is also not clear that the discussion should focus on ‘potential’ impacts (or ‘risks’ of impacts); given Alternative 1 is the existing condition. The analysis would benefit from the presentation of actual, existing stream sedimentation, and actual, existing water quality impacts.

\_\_\_\_ *EPA recommends* that discussion of likely water quality impacts compare the existing *actual* water quality impacts (under Alternative 1) to *projected* water quality

impacts (of the three other alternatives). More discussion of the increased erosion, and any measured water quality impacts from that erosion, would be useful in outlining the impacts of the current condition.

Furthermore, EPA notes that there are several impaired water bodies in the region (p. 54-55-impaired water bodies are described as impacted by natural sources, crop production, and livestock). It would be helpful to tabulate the list of impaired water bodies rather than describe them in narrative form (those impaired water bodies include: Cheyenne River, Hat Creek, Horsehead Creek, Meng Reservoir, Agate Dam Reservoir, Rapid Creek, Bad River, White River, Boardgate Reservoir, Snake River, Merritt Reservoir). EPA encourages the Forest Service to consider establishing a water quality monitoring effort to document existing conditions, and we encourage the Forest to take action to monitor 303(d) listed streams to restore conditions to the Forest's desired conditions.